

1 E. Johnston - by Ms. Wolfovitz

2 Q. What was your understanding when you
3 heard that, that statement? First, he's pretty
4 cool, what was your understanding of what that
5 meant?

6 A. Exactly what I stated. I mean,
7 that's their opinion. I don't know him. I
8 make my own opinion of people. Like I said, I
9 respect Wentroble and Stoner's opinion.

10 Q. What was your understanding of the
11 statement, likes to bust balls?

12 A. It means he's got a grind game.

13 Q. I'm sorry?

14 A. A grind game.

15 Q. What is a grind game?

16 A. You better have one in prison. The
17 inmates are talking crap on you; you talk crap
18 back to them. It's a grind game. It's an
19 everyday thing.

20 Q. Is a grind game between officers --
21 corrections officers or among inmates --

22 A. Amongst everybody. It's just -- you
23 have to understand, we're like a city inside 68
24 acres. That's kind of the unwritten rules of
25 the city. The inmates talk shit; you talk shit

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2 back. It's an everyday thing.

3 Q. So officers joke around, talk shit
4 with each other --

5 A. Correct.

6 Q. Is that what you're saying?

7 A. Yes.

8 Q. Do they play around or do other
9 things to each other?

10 A. What are you saying? I'm not really
11 sure --

12 Q. Well, you referred to tying two guys
13 to doors; tying people to bedsheets --

14 A. Yes. That's been happening since I
15 started in '93. It happens all the time.

16 Q. When you say, "all the time," do you
17 mean --

18 A. Not like every day, but, I mean,
19 it's pretty frequent.

20 Q. Would you say once a week you would
21 hear something?

22 A. I would say, yes. I might not see
23 it, but, I mean, rumor.

24 Q. Who are the two twin brothers that
25 you referred to?

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2 A. I'm trying to remember their names.
3 Somebody else could clarify it for you. They
4 would know exactly who I'm talking about. I
5 see them all the time, too. I can't remember
6 their last name. That's pretty much how we
7 know everybody at the prison, is by last name.

8 Q. Do you remember what rank they have?

9 A. They're both COs.

10 Q. Are they still COs or were they COs
11 then?

12 A. They're still COs and were COs then.

13 Q. So you said they said something to
14 you about a bar?

15 A. Yes.

16 Q. Stoner or Wentroble mentioned that
17 they had been at a bar with these two twin
18 brothers?

19 A. Right.

20 Q. Anybody else?

21 A. There was other people there, but I
22 don't specifically remember the names.

23 Q. Did they say -- was Chisler there
24 with them or someone else?

25 A. I don't know who rode with who. I

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2 wasn't there.

3 Q. Did they tell you what happened at
4 the bar?

5 A. I guess they were just busting each
6 other's balls. Chisler was talking a lot of
7 crap on Marines. It was back and forth. One
8 of the twin brothers and Chisler was wrestling
9 around and stuff, but it was all joking and
10 stuff.

11 Q. Do you recall what they said about
12 -- that Chisler said about Marines?

13 A. No, I don't.

14 Q. Was he hostile to Marines, to your
15 memory?

16 A. Other than that day, I've never met
17 Chisler in my life. I don't --

18 Q. Well, what they said to you -- I'm
19 sorry, finish your answer.

20 A. I don't know what his intentions
21 were towards Marines. From the picture that I
22 was painted, it sounded like they were all
23 joking and he had a good grind game.

MR. LOUGHREN: Are you saying

25 G-R-O-U-N-D or G-R-I-N-E? What are you saying?

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 2 A. Well, yes. I heard about a cadette
 3 cuffing himself and having to see a white
 4 shirt. But, like I said, again, I did not know
 5 it was Chisler.

6 Q. How did you hear about that?

7 A. Rumor.

8 Q. When did you learn it was Chisler?

9 A. When Lt. Wentroble stated it on the
 10 7th.

11 Q. Did he say anything about the
 12 circumstances or how Chisler was cuffed?

13 A. The rumor was he was -- he had
 14 another cadette that started with him and he
 15 was basically telling the other cadette, this
 16 is how you cuff an inmate, or something. That
 17 is the rumor. I don't know the actual facts.
 18 I wasn't there. I really can't answer that for
 19 you.

20 Q. Have you ever worked in the bubble
 21 at Fayette?

22 A. Yes.

23 Q. Do officers ever bring in a TV on
 24 Sundays to watch the game to the bubble?

25 A. I personally never have, but, yes, I
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 2 would believe they probably have on occasion.

3 Q. Have you heard that officers have
 4 done that?

5 A. I've heard it, yes.

6 Q. Do officers bring extension cords in
 7 with them in order to either hook up a coffee
 8 pot or TV or whatever --

9 MR. GRIMM: Objection to the
 10 form of the question.

11 Q. -- or any other electronic device?

12 A. I would have no idea.

13 Q. Have you ever been in a bubble and
 14 seen an extension cord there?

15 A. Yes, yes.

16 Q. Is that a fairly standard piece of
 17 equipment in a bubble?

18 A. Ma'am, you did a round at my prison.
 19 I'm sure you've been in many of the bubbles.

20 Almost every one of them will have an extension
 21 cord. Almost every one of them will have a
 22 plug in with four or five outlets. There's
 23 several pieces of equipment, i.e. coffee pot
 24 being one of them, that need plugged in;
 25 battery chargers, you name it. Every bubble

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 2 you go to is going to have those.

3 Q. Is it important among COs for you to
 4 be able to trust your fellow COs at the prison?

5 A. I would think so, yes.

6 Q. Have you ever heard the phrase,
 7 snitches get stiches?

8 A. Yes, I've heard that phrase.

9 Q. What does it mean to you?

10 A. That's something -- we could have
 11 five different opinions in this room --

12 Q. I'm asking what it means to you.

13 A. Obviously, it's a warning not to be
 14 a snitch. That's the only thing I can figure.

15 Q. Have you heard it in reference to
 16 inmates?

17 A. Yes. I've heard it on the streets.
 18 It's not an uncommon saying.

19 Q. Have you heard it in reference to
 20 corrections officers?

21 A. I can't recall.

22 Q. The trust that you described between
 23 COs, is that, in your view, important in terms
 24 of the functioning of the prison?

25 A. Are you conceiving where we work at?

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2 About 90 percent of our inmates are doing life,
 3 40 to 80 years. My job is to get them to do
 4 things on a daily basis. If they don't want to
 5 do it, conflict can happen at any time. I'm
 6 one person. These guys lift weights all day
 7 long. They're in shape. I'm one person. Yes,
 8 I would hope that my fellow brother would help
 9 me out.

10 Q. You've talked about various things
 11 that officers do fooling around with each
 12 other, tying bedsheets and a couple of other
 13 things.

14 Would you characterize those as
 15 horseplay?

16 A. Definitely.

17 Q. In your experience in the prison
 18 system in Pennsylvania, have you come across
 19 horseplay on a fairly regular basis at the
 20 prison?

21 A. Yes.

22 Q. Would you consider COs wrestling
 23 with each other, would that be horseplay?

24 A. Yes.

25 Q. And COs cuffing each other, would
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2 that be horseplay?

3 **A. Correct.**

4 Q. Do COTs, cadettes who are in
5 training, do they typically as sort of an
6 initiation into being a corrections officer
7 have more instances of horseplay against them,
8 receive more horseplay than, say, a long-term
9 corrections officers?

10 MR. LOUGHREN: Object to the
11 form of the question.

12 Q. You can answer.

13 A. I would have no idea of that. I
14 don't keep statistics. I don't do a pie chart.
15 My whole thing is, I've seen it from -- I've
16 seen captains, lieutenants -- I mean,
17 throughout my whole career, everybody
18 participates in horseplay. It happens all the
19 time.

20 Q. Can you recall any particular
21 captains or lieutenants that you can recall
22 participating in horseplay?

23 A. That would be snitching. Those are
24 incidents that have nothing to do with this
25 case.

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1 E. Johnston - by Ms. Wolfovitz

2 Q. Well, sir, you are under oath to
3 tell the truth. This is an appropriate
4 question to ask you in this deposition.

5 THE WITNESS: If I answer
6 this, would it put other officers in -- would
7 they be subject to disciplinary action?

8 MR. GRIMM: I don't believe
9 so, but you are obligated to answer the
10 question.

11 A. Well, Lt. Mazingo, just to name one
12 of them, he no longer works -- he's down at
13 Pittsburgh. These are just instances off the
14 top of my head --

15 Q. Yes.

16 A. Lt. Powley --

17 Q. How do you spell that --

18 A. P-O-W-L-E-Y. Lt. Ansel --

19 Q. A-N-S-E-L?

20 A. Yes. Ma'am, you're asking me to
remember so many --

21 Q. Can you think of any captains? You
have given me a number of lieutenants' names.

22 A. Obviously, Manchas, but he wasn't a
captain at the time.

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1 E. Johnston - by Ms. Wolfovitz

2 Q. The names you've given me, Mazingo,
3 Powley and Ansel, the instances that you're
4 thinking of, were they lieutenants at the time?

5 A. Yes.

6 Q. Can you recall any of the specifics
7 of any of the instances of horseplay with
8 respect to Mazingo, Lt. Mazingo?

9 A. Yes. It was standard. They got me
10 down and taped me to a chair. Just horseplay,
11 things they do.

12 Q. What about Lt. Powley?

13 A. Up on the range, getting guys down,
14 handcuffing them.

15 Q. Did you see that?

16 A. Yes, I saw.

17 Q. I'm sorry, this occurred on the
18 range?

19 A. Yes. You're talking -- I couldn't
20 even tell you what years, the '90s.

21 Q. What is the range?

22 A. Where we shoot our weapons at.

23 Q. Do you recall how many guys were
24 cuffed and brought down?

25 A. Well, he was cuffed himself at that

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2 -- it was just things we do.

3 Q. Did he cuff other guys as well, or
4 just himself?

5 A. I don't remember what he did, ma'am.
6 I just know he was a participant.

7 Q. And Lt. Ansel, what was --

8 A. The same thing.

9 Q. The cuffing or --

10 A. The wrestling, goofing around.

11 Q. Do you recall Ansel handcuffed
12 himself or cuffing himself?

13 A. I'm sure. I can't give you
14 specifics. You're talking '90s.

15 Q. Do you have anything from the 2000s?

16 A. You got Lt. Reposky. I mean,
17 there's just so many.

18 Q. Lieutenant who?

19 A. Reposky, Tift. I could go on and on
20 and --

21 Q. Please.

22 A. I can't remember everything.

23 Q. Well, why don't you tell me the
24 names of the people you remember.

25 A. I just did.

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1 E. Johnston - by Ms. Wolfovitz
 2 Q. You said you could go on and on.
 3 You said Reposky and Tift. Anybody else --
 4 A. **There's so many. You're asking me**
for specifics --
 5 Q. Well, I'm asking for the names --
 6 A. **If I give you specifics, I could be**
wrong. This could happen with this one; this
could happen with that one. Do you understand
 7 **what I'm saying? You're asking me to be**
specific --
 8 Q. I'm asking you for the names of
 9 people you recall --
 10 A. **I just gave you two more.**
 11 Q. Do you have any additional names?
 12 A. **Not that I can recall at this time.**
 13 Q. How do you spell Reposky --
 14 A. **R-E-P-O-S-K-Y. I'm guessing.**
 15 Q. Would you consider hog-tying
 16 horseplay?
 17 A. **I would say, yes, but I've never**
 18 **witnessed hog-tying.**
 19 Q. Have you ever received training with
 20 respect to restraints?
 21 A. **Every officer receives, I guess,**
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1 E. Johnston - by Ms. Wolfovitz
 2 **self-defense and restraint training.**
 3 Q. What restraints are you trained to
 4 use during those trainings?
 5 A. **You got transport restraints,**
including the cuffs, black box and the chain;
leg shackles. That's pretty much it for our
restraints.
 6 Q. Are you ever trained with respect to
 7 a four-point restraint?
 8 A. **What do you mean?**
 9 Q. Hog-tying or hobbling an inmate.
 10 A. **We have a transport thing for --**
it's a strap that can go around, but I don't
believe they add that to the training. They
could though. I don't really remember.
 11 Q. When you say a strap that goes
 12 around, where does it go around?
 13 A. **From the shackles to the handcuffs.**
 14 Q. Just so I understand, you're talking
 15 about foot shackles. Would the inmate be
 16 handcuffed in the front or the back?
 17 A. **The inmate was handcuffed in the**
back.
 18 Q. In the back. Then there would be a
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 2 chain from his legs -- from his feet up to the
 3 handcuffs behind him. Is that what you're
 4 talking about?
 5 A. **I don't know if they still have it.**
 6 I remember seeing something. I don't believe
 7 it's trained or showed in like everyday
 8 training. I think it would be more of a
 9 transport training or something like that.
 10 Q. Is transport training part of the
 11 standard training?
 12 A. **No. You have to be on the transport**
team for that.
 13 Q. Were you ever on the transport team?
 14 A. **Nope.**
 15 Q. Have you been trained with respect
 16 to the reporting of incidents?
 17 A. **Everybody is required to report**
 18 **incidents.**
 19 Q. When you say that "everybody is
 20 required to report incidents," what is the
 21 requirement? That it be reported in a
 22 particular time, or what incidents --
 23 A. **Everything has its own time frame.**
 24 **It's supposed to be done within the same shift.**
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1 E. Johnston - by Ms. Wolfovitz
 2 Q. Are there particular things that
 3 should be reported as an incident?
 4 A. **Obviously, inmate assaults, things**
like that.
 5 Q. Have you ever heard of an instance
 6 where someone was disciplined or an
 7 investigation was undertaken when there was an
 8 instance of horseplay as you have described it?
 9 A. **Not to my knowledge.**
 10 Q. Have you ever received any training
 11 with respect to workplace violence?
 12 A. **They gave me a directive, like a**
thing about it when they started the
investigation.
 13 Q. I will show you a document we will
 14 mark as Exhibit 1.
 15 (Johnston Exhibit No. 1 was
 16 marked for identification.)
 17 Q. Is this the document that you were
 18 provided with the investigation?
 19 A. **I'm really not sure. This has**
management directive, which I'm not management.
 20 **I really don't recall the exact document that**
 21 **they showed me, but I don't think it had this**
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1 E. Johnston - by Mr. Grimm
 2 **A. No, nobody kicked him.**
 3 Q. Was the Plaintiff ever forced to the
 4 ground on that date and time?
 5 **A. No.**
 6 Q. Additionally, Paragraph 29 says that
 7 the Plaintiff's legs were pulled out from under
 8 him and his feet were forced up to hands behind
 9 his back.
 10 Is that a true statement?
 11 **A. It is not true.**
 12 Q. Furthermore, in that paragraph it
 13 states that the Plaintiff stopped resisting
 14 because it became too difficult for him to
 15 breathe. Plaintiff felt as though he was
 16 suffocating and could barely talk.
 17 At any point in time during this
 18 alleged incident, do you observe the Plaintiff
 19 having a difficult time talking?
 20 **A. No.**
 21 Q. Additionally, it says that an
 22 electrical cord was used to tie Plaintiff's
 23 hands to feet behind his back to hog-tie him.
 24 Is that a true statement?
 25 **A. He was never hog-tied, no.**

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1 E. Johnston - by Ms. Wolfovitz
 2 Q. Have you ever observed anyone at SCI
 3 Fayette or any other state correctional
 4 institute being hog-tied?
 5 **A. No.**
 6 Q. Paragraph 31, Plaintiff was
 7 physically immobilized in this position and
 8 held down by Defendants Johnston, Wentroble and
 9 Stoner.
 10 Is that a true statement --
 11 **A. No, that's not true.**
 12 MR. GRIMM: Nothing further of
 this witness.

EXAMINATIONBY MS. WOLVOVITZ:

Q. Attorney Grimm asked you about
 whether or not there was a custom of hazing or
 policy of hazing at SCI Fayette. I believe you
 testified, and if I'm wrong, please tell me
 that, no, but there was of horseplay; is that
 correct?

A. That's correct.

Q. So it's your testimony that there
 was a custom of horseplay at SCI Fayette; is

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1 E. Johnston - by Ms. Wolfovitz
 2 that correct?
 3 **A. I would say, yes; but not just at**
 4 **Fayette, the Department of Corrections in**
 5 **general.**
 6 Q. So you're saying, for instance, at
 7 Waynesburg you would say there's a custom of
 8 horseplay at Waynesburg as well?
 9 **A. Yes.**
 10 Q. Did you hear of horseplay at other
 11 prisons in the SCI system?
 12 **A. Yes. I've heard stories. Like I**
 13 **said, I have no validity to them. I've heard**
 14 **stories. There's guys that work at my prison**
 15 **from Graterford. I've heard them talking about**
 16 **things they used to do; guys from Pittsburgh;**
 17 **guys from Green.**
 18 Q. Let me ask you, did anybody feel
 19 that they couldn't talk about those things when
 20 they talked about them; any of the people that
 21 you heard talking about it?
 22 MR. GRIMM: Objection to the
 23 form of the question.
 24 **A. I can't give you an answer of what**
 25 **they were thinking, ma'am. I can only tell you**

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1 E. Johnston - by Ms. Wolfovitz
 2 **what they said, not what they were thinking or**
 3 **feeling.**
 4 Q. When these officers told you about
 5 instances of horseplay, did they ever say
 6 something to the effect of, don't tell anybody?
 7 MR. MARMO: I'm going to
 8 object to the form of the questions in this
 9 line of questioning in that it seems that
 10 present counsel is trying to interchange
 11 horseplay for hazing, which the witness has
 12 clearly testified are not the same.
 13 MS. WOLVOVITZ: I'm asking
 14 about horseplay. It's very clear.
 15 Q. You can answer.
 16 **A. Can you repeat the question.**
 17 Q. When you've heard officers talk
 18 about instances of horseplay, has anyone ever
 19 said to you, don't tell anyone about this, or
 20 words to that effect?
 21 **A. Not to my recollection.**
 22 Q. Thank you.
 23 I'm going to show you a document
 24 that is defined, Training for Training
 25 Sergeants. I'm not going to make this an

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